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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210863
Party	Plaintiff Chris Economides III
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Submission	Other Motions/Papers
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the matter of trademark application for the mark
“GOT OUZO”**

Published in the Official Gazette on January 29, 2013

Chris Economides III

v

Thanco Products and Imports, Inc.

AMENDED NOTICE OF OPPOSITION

**Chris Economides III
3953 Avera Avenue
Winston-Salem, NC 27106**

The above-identified opposer, Chris Economides, III believes that he will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same. Opposer is the sole owner of Apollo Graphics and Marketing, a seller of shirts and other items to Greek festivals. Apollo Graphics and Marketing is an entity belonging solely to the opposer and is not a corporation or separate entity. Applicant is a direct competitor of opposer and both have the same potential and/or actual customer base and clients. Opposer, consequently, has a direct personal stake in these proceedings. Opposer has sold items with the mark as applied for GOT OUZO? and has received a threatening letter from applicant regarding the mark as applied for in this matter concerning sales of items with this mark. If applicant were to obtain registration opposer would be damaged. Further, opposer, through his company Apollo Graphics and

Marketing, has a long history of opposing the mark GOT OUZO? and has had previous involvement with the United States Trademark and Patent Office. Opposer, through his business entity, filed a cancellation proceeding against the registered mark GOT OUZO?, registration number 3246800. This was cancellation number 92053525 and was terminated after the resolution of the civil matter in Federal Court concerning that registration. It was directly as a result of this cancellation proceeding that applicant sent their letter to opposer. This letter was addressed to the opposer in the name of his business entity. A further review of that proceeding will confirm that the entity Apollo Graphics and Marketing was never listed as a corporation. The labeling of this entity as a corporation by the applicant was merely a ploy attempting to dilute standing of opposer.

The grounds for opposition are as follows below:

By /Chris Economides III/
Chris Economides III

April 19, 2014

GROUND FOR OPPOSITION

1. Fraud

Applicant has created its own evidence, blatantly offered misrepresentations of truth and fact, and even conspired with others in an attempt to commit a fraud on the United States Government in order to have its applications for trademarks succeed. As the courts have found, when there exists fraud by a company in its trademark prosecutions, the application(s) should be immediately terminated. In re Bose Corp., 580 F.3d 1240 91 USPQ2d 1938 (Fed. Cir. 2009).

As seen in the following specific examples, the applicant has shown a willful intent to deceive in its prosecution of the application for registration as required by *Smith Int'l, Inc. v Olin Corp*, 209 USPQ 1033, 1044 (TTAB 1981). Consequently, the application for registration should be immediately terminated.

a. Catalogue

Applicant attempts to deceive the United States Patent and Trademark Office by claiming that a copy of his sales catalogue is sent “to every single Greek Orthodox Church in the United States, and to the sponsors of every single Greek festival across the country.” He further claims that this catalogue “reaches approximately 250-300 targeted recipients.”

Applicant is fully aware and knowledgeable that this is a fraudulent and misleading statement. A review of the list of Greek Orthodox Churches on the website of the Greek Orthodox Archdiocese of America (www.goarch.org) provides detailed information for the nearly 550 Greek Orthodox Churches in the United States. This does not include any of the nearly 400 Greek Festivals in the United States. In his Response to Office Action (page 3), filed November 29, 2012, Applicant cites as an affirmative argument his civil action *Thanco Products and Imports, Inc. v Kontos*, file number 4:08-cv-03046 (SD Tex. Filed October 13, 2008). A simple review of the documents in that case show that Applicant introduced into evidence this very list of Greek Orthodox Churches in the United States. Although Applicant was aware that this claim was fraudulent as long ago as 2008 he continues to willingly and knowingly make fraudulent statements to the United States Patent and Trademark Office in an attempt to obtain a trademark.

Clearly, 250-300 catalogues doesn't come anywhere near the total needed to be able to be sent "to every single Greek Orthodox Church in the United States, and to the sponsors of every single Greek festival across the country."

Applicant also claims that there are festivals in "virtually every state in the country." (Drimalas declaration). There are, in actuality, festivals in every state in the country and have been since at least 2006. Again, a review of the website of the Greek Orthodox Archdiocese of America (www.goarch.org) will show that Applicant knowingly and willingly makes a fraudulent statement to the United States Patent and Trademark Office.

Further, applicant claims that the business is located in Alvin, Texas (Drimalas declaration). A review of the catalogue submitted by applicant as evidence, however, lists an address in Stafford, Texas. A further review of the sales invoices also submitted by the applicant shows that the last dated invoice that used the address in Stafford, Texas is July, 26, 2001. Subsequent to that date all other invoices show an address in Alvin, Texas.

If, as claimed, the applicant mails a catalogue annually it would be only natural to presume that it would contain current information. Based on the information furnished by the applicant himself, the only conclusion is that the applicant is attempting to mislead the USPTO as to the truth concerning this catalogue and it was mailed in 2001 at the latest and not annually since, as applicant claims.

b. Sales invoices

Applicant must try to show that there enough sales and customers to pass the test of the United States Patent and Trademark Office. This is one of the benchmarks as established by the courts. Unfortunately, applicant is unable to meet this threshold. As a result, applicant has attempted to commit another fraud by including a list of old sales invoices. These sales invoices are used in the hope that they will trick the United States Patent and Trademark Office into thinking that these are customers who have purchased merchandise with the mark "GOT OUZO?"

The applicant has supplied a list of old sales invoices as a part of its response to attempt to overcome the refusal in the USPTO office action. Each invoice lists certain items purchased by

various customers. A clear reading of each invoice however shows that not one of them shows a sale of any item that contains the mark as applied for “GOT OUZO?” They show other items and they show sales of generic “ouzo” items but the evidence the applicant himself provides to the USPTO fails to achieve the benchmark required. To make the leap from items that are generically labeled “ouzo” to the mark as applied for “GOT OUZO” requires the USPTO to ignore the true facts contained in the evidence and establish a dangerous precedent.

Applicant is fully aware and knowledgeable that he has fraudulently introduced a list of sales invoices as representative of sales of the mark as applied for “GOT OUZO?”. In his Response to Office Action (page 3), filed November 29, 2012, Applicant cites as an affirmative argument his civil action *Thanco Products and Imports, Inc. v Kontos*, file number 4:08-cv-03046 (SD Tex. Filed October 13, 2008). During these proceedings Applicant was informed that these invoices did, in fact, not show sales of the mark as applied for “GOT OUZO?” but rather merely describes general ouzo shirts. Although Applicant was aware as long ago as 2008 that these invoices were fraudulent he continues to knowingly and willingly use them in an attempt to commit a fraud against the United States Patent and Trademark Office in an attempt to obtain a trademark.

c. Declarations

Applicant has also included in his response to the Office Action of the United States Patent and Trademark Office three additional declarations. One declaration is from Spirithula Kostakis of Hellinis Imports, a second is from Thanasis Vergos of GKE Corporation, and a third from Nikolaos Renesis of Eclectics LLC.

Each of these declarations is identical to the other in its wording, as they were provided by the applicant, which confirms his involvement and culpability. In each declaration the declarant states, under penalty of perjury:

“Because I have witnessed Thanco offering GOT OUZO? merchandise for more than a decade, I associate the GOT OUZO? trademark with Thanco. I am not aware of any other individual or entity offering merchandise under the GOT OUZO? trademark. When I see GOT OUZO? merchandise for sale at Greek festivals, I believe Thanco to be the source of that merchandise.” (paragraph 4)

These declarations appear to establish a link between the mark “GOT OUZO?” and the applicant as the source of this merchandise, another benchmark that the applicant is required to overcome.

Unfortunately, these three declarations cannot be taken as legitimate and truthful. These declarations, in fact, are the result of a conspiracy to commit fraud against the United States Government and, more specifically, the United States Patent and Trademark Office.

Spirithula Kostakis and Hellinis Imports work with Greek Festivals, as stated in their declaration. They sell Greek themed souvenir type items as well as articles of clothing. Further, until at least 2008 or possibly later, they sold their own merchandise with the mark "GOT OUZO?"

Hellinis Imports and Spirithula Kostakis received a Cease and Desist letter regarding their sales of "GOT OUZO?" merchandise. This letter was not sent by the applicant as an attempt to enforce any rights it claimed in the mark as applied for but from a third party who also had an interest in the same mark.

Hellinis Imports acknowledged this Cease and Desist letter and agreed to no longer sell any merchandise with the mark as applied for "GOT OUZO?"

Despite the fact that Hellinis Imports and Spirithula Kostakis themselves sold merchandise with "GOT OUZO?" they entered into a relationship with the applicant to submit to the United States Patent and Trademark Office this declaration in an attempt to mislead the USPTO about the strength of applicant's mark.

Applicant was aware of the fact that Hellinis Imports and Spirithula Kostakis made a fraudulent statement on the behalf of his trademark applications and by the inclusion of this fraudulent statement did, in fact, enter into a conspiracy to promote this fraud against the United States Trademark and Patent Office. In his Response to Office Action (page 3), filed November 29, 2012, Applicant cites as an affirmative argument his civil action Thanco Products and Imports, Inc. v Kontos, file number 4:08-cv-03046 (SD Tex. Filed October 13, 2008). In those proceedings Applicant was provided answers to interrogatories that show the Applicant the history and existence of the Cease and Desist letter mentioned above. Applicant was fully aware as long ago as 2008 that Hellinis Imports and Spirithula Kostakis not only they themselves sold merchandise with the mark as applied for "GOT OUZO?" but also were fully aware of the existence of at least one other entity that sold merchandise with the mark as applied for "GOT OUZO?". However, despite this knowledge, Applicant willfully and knowingly entered into a complicit act to commit fraud against the United States Patent and Trademark Office to obtain a trademark.

The other two declarations, from Thanasis Vergos of GKE Corporation and from Nikolaos Renesis of Eclectics, LLC, also state that they sell merchandise at Greek Festivals as does Hellinis Imports. These two companies also state the same time period as Hellinis Imports , more than one decade.

Both Thanasis Vergos/GKE Corporation and Nikolaos Renesis/Eclectics, LLC have attended the same Greek Festivals as Spirithula Kostakis and Hellinis Imports and are aware of the sales of merchandise by Spirithula Kostakis and Hellinis Imports with the mark GOT OUZO? during the period 2001 until 2008. Applicant was aware that Hellinis Imports and Spirithula Kostakis sold merchandise with the mark as applied for "GOT OUZO?" at festivals and was aware that both Thanasis Vergos and Nikolaos Renesis attended festivals with them and saw this merchandise. Applicant was aware and knowledgeable that both Thanasis Vergos and Nikolaos Renesis were aware that merchandise with the mark as applied for "GOT OUZO?" consequently was not automatically associated with Applicant and were also aware that their declaration was fraudulent. Yet Applicant did include these declarations in support of his applications in an attempt to commit a fraud against the United States Patent and Trademark Office in an attempt to obtain a trademark.

Further, , Applicant cites as an affirmative argument his civil action Thanco Products and Imports, Inc. v Kontos, file number 4:08-cv-03046 (SD Tex. Filed October 13, 2008). During these proceedings Applicant alleged certain festivals in which merchandise with the mark as applied for "GOT OUZO?" was sold by the entity Buy Greek Art. Applicant was also aware and knowledgeable that Thanasis Vergos/GKE Corporation as well as Nikolaos Renesis/Eclectics, LLC as well as Hellinis Imports/Spirithula Kostakis either collectively or individually were also in attendance as vendors along with the entity Buy Greek Art. Each of these declarants as well as the Applicant was aware that the statement the provided to the Applicant was fraudulent and yet the Applicant did willingly and knowingly conspire to promote this fraud against the United States Patent and Trademark Office in an attempt to obtain a trademark.

Applicant was fully aware and knowledgeable that the declarations of all parties were fraudulent. In his Response to Office Action (page 3), filed November 29, 2012, Applicant cites as an affirmative argument his civil action Thanco Products and Imports, Inc. v Kontos, file number 4:08-cv-03046 (SD Tex. Filed October 13, 2008). During these proceedings Applicant alleged certain festivals in which merchandise with the mark as applied for "GOT OUZO?" was sold by the defendant. Applicant was also aware that Thanasis Vergos/GKE Corporation as well as Nikolaos Renesis/Eclectics, LLC as well as Hellinin Imports/Spirithula Kostakis either collectively or individually were also in attendance as vendors along with the defendant. Each of these declarants as well as Applicant was aware that the statement the provided to the Applicant was fraudulent and yet the Applicant did willingly and knowingly conspire to promote this fraud against the United States Patent and Trademark Office in an attempt to obtain a trademark.

Further, Nikolaos Renesis of Eclectics, LLC, swore in his declaration that he has observed the sales of items with the mark as applied for GOT OUZO? by applicant since 2001 yet records from the State of Florida indicate that Eclectics, LLC was not founded until 2002 and, consequently, could not possibly have seen sales by applicant in 2001. Applicant was aware of this fact yet included this declaration in attempt to obtain a trademark by fraud.

2. CONCLUSION

Applicant, in an attempt to provide evidence to support his position, has willfully attempted to deceive the USPTO by creating or manipulating evidence through acts of willing and premeditated fraud. This act alone should immediately cancel applicant's attempt at registration of the mark as applied for as previously stated by the courts.

Applicant has undertaken a complex plan to deceive the USPTO and commit fraud in an attempt to obtain registration for the mark as applied for. Not only has applicant committed fraud against the United States government through the United States Patent and Trademark Office, he has engaged others in a conspiracy to obtain registration. This should immediately cancel applicant's pending applications before the USPTO.

We ask that the USPTO immediately terminate this application for the mark as applied for.

CERTIFICATE OF SERVICE

The undersigned, Chris Economides III, does swear and affirm that a true and correct copy of the foregoing Notice Objection was served upon the plaintiff, Thanco Products and Imports, Inc. through his attorney by forwarding said copy, on April 19, 2014 via the United States Postal Service with sufficient postage to have them delivered to the address below:

D. PETER HARVEY
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UNITED STATES

/Chris Economides III/
Chris Economides III

April 19, 2014